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TAGS: [MARR](#) [MOPS](#) [PREL](#) [KTIA](#) [ID](#)
SUBJECT: NEGOTIATING A SOFA WITH INDONESIA

REF: A. AMB. PASCOE/DEP U/S LAWLESS 6/3 TELCON
[1](#)B. AMB. PASCOE/ DAS JOHN 6/1 TELCON
[1](#)C. JAKARTA 6912
[1](#)D. STATE 88273
[1](#)E. STATE 87329 AND PREVIOUS

Classified By: Amb. B. Lynn Pascoe, Reasons 1.4 (b) and (d)

[1](#)1. (C) Summary: We have attempted at senior levels to obtain the same SOFA we had twice in 2005 in order to avoid protracted negotiations over language that might threaten both our long term position and practices already occurring on the ground in Yogyakarta, notably with respect to weapons and personnel entry and exit. Negotiations over a temporary SOFA are likely to take longer than the expected length of the ongoing deployment, especially given Indonesian sensitivity over arms issues, made worse by publicity over American security personnel last March. We recommend that during his June 6 visit that the Secretary of Defense urge renewal of our past temporary SOFA and offer to start early negotiations on a formal government to government agreement as part of our increased military interaction. We believe that entering protracted negotiations on changes to a temporary SOFA at this point could damage our ability to negotiate a suitable formal SOFA. End Summary

Avoiding Protracted Negotiations

[1](#)2. (C) As instructed in refs D and E, the Ambassador has engaged in the past week with the Office of the Presidency and the Foreign Minister to obtain a temporary SOFA from the Indonesians that duplicated the two agreed to in 2005 in the wake of the tsunami and the earthquake in Nias. The GOI has not agreed to our proposal and submitted language that is not only unacceptable, such as prohibiting the carrying of arms, but would endanger actions that have already taken on the ground, such as the possession of weapons, albeit out of sight, by our deployed forces in Yogyakarta as an essential element of our force protection. We have kept to a simple approach and avoided getting into protracted negotiations over Indonesia's language because it could weaken our ability to negotiate a permanent SOFA. The Indonesians are likely to stall until the deployment is over and they will use any of our concessions against us in the future.

[1](#)3. (C) The Ministry of Foreign Affairs has hinted to us from the beginning, obliquely at first, and then directly by the Minister to the Ambassador, that it would be preferable from the Indonesian point of view not to have a SOFA at all due to limited deployment time of the U.S. Marine Corps medical unit. (PACOM and Embassy are estimating 1-3 weeks.) We believe that negotiations on points unacceptable to us in the Indonesian text would take at least that long. For that reason we tried to convince senior officials that the simple, previously successful, method we proposed would be the best solution for the events at hand.

Preserving Force Protection

14. (C) In this and the last two major deployments in the wake of humanitarian crises in Indonesia, we have been able to negotiate suitable force protection arrangements on the ground with local commanders. Our personnel have had access to arms as needed, albeit discreetly. Such informal arrangements have been critical to our posture, including now in Yogyakarta, located relatively close to Solo, one of the ideological heartlands of militant Islamists. We are at the point that to obtain the force protection language we need in a formal document, significant negotiations will be required in the context of a formal SOFA. We do not expect the Foreign Ministry to accept a text that meets our needs without extensive discussion. In the meantime, engaging the Foreign Ministry on this will raise questions about weapons already in Indonesia, brought in without the normal paperwork, and may lead to an attempt by Jakarta bureaucrats to seek their removal. Under the circumstances, we believe the weapons best left as it is now: worked out at the local level with no publicity. Similarly, if we point out that U.S. forces are already entering Yogyakarta with ID's and orders despite the Ministry's desire to exclude such language in the temporary SOFA, they might try to block the practice.

15. (C) The visible possession of weapons has become very sensitive to the GOI following a public flap in March during the visit of the Secretary of State. Television footage of State Department security personnel wearing protective jackets and helmets and openly carrying weapons was aired widely. The Foreign Minister was forced to explain before the House of Representatives why we were allowed to have "Marines", as the press called them, in "combat gear" with weapons on city streets. He publicly criticized U.S. behavior, although all the security arrangements were made with prior notification and host government agreement. We have been reminded several times since then, including by members of the Presidential staff, to not repeat such an incident. This issue was clearly on President Yudhoyono's mind when he initially asked that our field hospital personnel not wear uniforms.

Pursuing a Longer Term SOFA

16. (C) Although we are under no illusion that negotiations would be quick and simple, in light of the increasing frequency of deployments to Indonesia we believe that the only solution to protect U.S. military personnel, whether in conjunction with our renewed military engagement or recurring humanitarian missions, is initiation of negotiations of a general SOFA on an expedited basis. We have had training events since the re-establishment of full military to military relations last year involving other large deployments of U.S. military personnel. More training is planned in the future. In effect, if we sought a SOFA for every event, we would require one every month or two. Given that the Foreign Minister welcomed the exploration of such an approach, we recommend that a formal draft SOFA text be conveyed to the Indonesians within the next two weeks, especially given the expected arrival of the USNS Mercy in mid-July.

Recommended Points for the Secretary of Defense

17. (C) We recommend that during his visit June 6 the Secretary of Defense deliver the following points to

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President Yudhoyono and the Defense Minister in support of both the temporary SOFA and initiating the process for a longer one:

--We have been pleased to help once again in response to the Yogyakarta earthquake by deploying a military hospital. We

regret that your bureaucracy has not yet agreed to a confidential SOFA in the same manner as you (or the

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President) instructed last year, but hope that it might still be possible to have one to cover the current deployment of our forces.

--Given the greatly increased engagement between our militaries since the reestablishment of full military-to-military relations, we believe that establishing a formal SOFA between us is a natural complement in order to avoid having to establish a temporary one for every discrete event. Having an agreement would give us a clear way forward in case of accident or incident, and support our common goal of increased military-to-military cooperation.

-- I would propose our governments begin formal negotiations on a Status of Forces Agreement. We can provide a draft agreement in a very short time as a basis for negotiations. I would appreciate it if you could instruct your negotiators to make this a priority.

PASCOE